

DOCKET NO. R175.1-11-19  
STATE OF HAWAII  
DEPARTMENT OF HEALTH  
ADULT MENTAL HEALTH DIVISION

NOTICE OF PUBLIC HEARING

Pursuant to sections 91-3 and 92-41, Hawaii Revised Statutes (HRS), the State of Hawaii, Department of Health, Adult Mental Health Division will receive written comments and hold a public hearing for the proposed repeal of Hawaii Administrative Rules (HAR), Title 11, Chapter 175, Mental Health and Substance Abuse System, and adoption of Title 11, Chapter 175.1 entitled *Mental Health and Substance Use System*. The proposed repeal and adoption of the rules will conform to current and best practices, and federal law.

The proposed new chapter of HAR Title 11-175.1 is entitled “*Mental Health and Substance Use System*” and includes the following sections:

- 11-175.1-1 Purpose
- 11-175.1-2 Definitions
- 11-175.1-3 to 11-175.1-4 (Reserved)
- 11-175.1-5 State council on mental health
- 11-175.1-6 Composition of council
- 11-175.1-7 Vacancies on the council
- 11-175.1-8 Designation of service areas
- 11-175.1-9 Service area
- 11-175.1-10 Service area boards
- 11-175.1-11 Composition of service area boards
- 11-175.1-12 Vacancies on the service area board
- 11-175.1-13 to 11-175.1-15 (Reserved)
- 11-175.1-16 General requirements for service delivery
- 11-175.1-17 Continuum of services
- 11-175.1-18 Locations of service delivery
- 11-175.1-19 Eligibility criteria service elements and standards
- 11-175.1-20 Discharge from psychiatric facility and residential treatment facilities
- 11-175.1-21 Additional standards for all services
- 11-175.1-22 Utilization management
- 11-175.1-23 Monitoring, evaluation, and accountability
- 11-175.1-24 to 11-175.1-27 (Reserved)
- 11-175.1-28 Planning needs assessment
- 11-175.1-29 Community-based planning
- 11-175.1-30 Statewide planning
- 11-175.1-31 to 11-175.1-35 (Reserved)
- 11-175.1-36 Interpreters
- 11-175.1-37 Right to a clinical record; access to the record
- 11-175.1-38 Right to informed consent to nonemergency treatment
- 11-175.1-39 Right of access to a grievance procedure

11-175.1-40 Right of access to personal funds and valuables  
11-175.1-41 Civil rights  
11-175.1-42 Right of access to written rules and regulations  
11-175.1-43 Right of freedom from reprisal  
11-175.1-44 Right of privacy, respect, and personal dignity  
11-175.1-45 Right to a humane environment  
11-175.1-46 Right to be free from discrimination  
11-175.1-47 Right to a written treatment plan  
11-175.1-48 Right to participate in treatment planning  
11-175.1-49 Right to refuse nonemergency treatment  
11-175.1-50 Right to refuse treatment  
11-175.1-51 Right to refuse participation in experimentation  
11-175.1-52 Right to choose a primary provider of psychiatric services  
11-175.1-53 Right to a qualified, competent staff  
11-175.1-54 Right to a medical examination before nonemergency treatment  
11-175.1-55 Right to knowledge of rights withheld or removed by a court or by law  
11-175.1-56 Right to physical exercise and recreation  
11-175.1-57 Right to an adequate diet  
11-175.1-58 Right to know names and titles of staff  
11-175.1-59 Right to work  
11-175.1-60 Right to have visitors  
11-175.1-61 Right to uncensored communication  
11-175.1-62 Right of freedom from seclusion and restraint  
11-175.1-63 Right to be informed of rights at time of admission  
11-175.1-64 Right to the least restrictive level of service  
11-175.1-65 Right to coordinated services  
11-175.1-66 Right to prevocational and vocational programs in residential treatment facilities  
11-175.1-67 Right to participation in operation, treatment planning, and evaluation of programs in residential treatment facilities  
11-175.1-68 Psychiatric facility emergency examination and admission rights  
11-175.1-69 Voluntary hospitalization rights  
11-175.1-70 Involuntary hospitalization rights  
11-175.1-71 Severability  
11-175.1-72 to 11-175.1-80 (Reserved)

**The Public Hearing will be held in Honolulu (live) at the Department of Health Building 1<sup>st</sup> Floor Conference Room, on Thursday, November 21, 2019 at 12:30 p.m. to 2:30 p.m., and at the following video conference centers:**

- Kakuhihewa Building, 601 Kamokila Boulevard, Room 167, Kapolei, Hawai`i
- Lihue State Office Building, 3060 Eiwa Street, Lihue, Hawai`i
- Wailuku State Office Building, 54 South High Street, Conference Center 3<sup>rd</sup> Floor, Maui, Hawai`i
- Molokai Department of Health, 65 Makaena Place, Room 107, Molokai Hawai`i
- Hilo State Office Building, 75 Aupuni Street, Basement, Hilo, Hawai`i

All interested persons shall be afforded an opportunity to submit testimony orally or in writing at the time of the hearing. Any persons desiring to give written testimony are asked to submit two (2) copies of their testimony to the presiding hearings officer at the public hearing or before the hearing at the address below. Written testimony will also be accepted until 4:30 p.m. on November 29, 2019 at:

Adult Mental Health Division  
HAR 11-175.1  
1250 Punchbowl Street, Room 256  
Honolulu, Hawaii 96813

Copies of the proposed rule amendments are available for review at the above location from the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday (not including State holidays).

The proposed rule amendments are also available on the internet at:

<http://health.hawaii.gov/opppd/proposed-changes-to-department-of-health-administrative-rules-title-11> or on the Lieutenant Governor's website:

<http://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes>  
(go to Title 11 Department of Health)

Copies of the rules proposed to be repealed and adopted will be mailed upon request and payment of a copying fee (5¢/page) and postage. Call (808) 453-6968 to request copies.

Special accommodations (i.e. sign language interpreter, large print, accessible parking) can be made for persons with disabilities, if requested at least five (5) working days before the scheduled public hearing by calling on Oahu (808) 453-6946.

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Director of Health  
State of Hawaii